

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.Rev.Pet.No.33 of 1998(A)

CRL.A.4/1996 OF THE COURT OF THE ADDITIONAL SESSIONS JUDGE,
THODUPUZHA.

C.C.247/1993 OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE
FIRST CLASS-I, THODUPUZHA.

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PETITIONER/APPELLANT/ACCUSED:-

VARGHESE, S/O.VARGHESE,
THAZHATHU VEETIL, CHURULI BHAGOM,
KANJIKKUZHAY VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.P.CHANDY JOSEPH

RESPONDENT/RESPONDENT/COMPLAINANT:-

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:-

V.K.Bali,C.J.

Crl.R.P.No.33 of 1998-A

Dated, this the 29th day of November, 2006

ORDER

V.K.Bali, C.J. (Oral)

The petitioner was tried for offences under Sections 27 (1)(d)(g) and (2)(c) of the Kerala Forest Act. Vide order dated 8th December, 1995 passed by the Judicial Magistrate of the First Class-I, Thodupuzha, the petitioner has been held guilty under Section 27(1)(d) and sentenced to undergo simple imprisonment for four months and acquitted of the offences under Sections 27 (1)(g) and 2(c) of the Act. On appeal even though the conviction of the petitioner under Section 27(1)(d) of the Act was maintained, sentence was reduced to simple imprisonment for fifteen days, vide order dated 17th November, 1997 passed by the Additional Sessions Judge, Thodupuzha. It is against these two orders that the present revision has been filed.

2. The allegation against the petitioner was that on 30.8.1991, he had criminally trespassed into the Reserve Forest at Maniparakanam bhagam in Churuli beat within the Nagarampara Reserve, cut down a Venga tree costing about Rs.600/-, thus, causing a loss of Rs.900/- to the Government.

3. Without joining issues on the merits of the case, learned counsel for the petitioner contends that the occurrence pertains to the year 1991 and in the manner aforesaid, the petitioner has suffered a protracted trial spanned over a period of more than 15 years and, therefore, the petitioner may not be sent to serve a jail term at this stage.

4. This Court finds considerable merit in the contention of the learned counsel as made above and is of the view that ends of justice would be served if the petitioner, instead of serving a jail term, be asked to pay fine. In the circumstances of the case, thus, the Court orders that the petitioner would pay a fine of Rs.1,500/= (Rupees one thousand and five hundred only) within two months from today and would not serve the jail term at this stage. In case fine is not paid, the petitioner would serve the sentence recorded by Additional Sessions Judge, Thodupuzha.

The Criminal Revision Petition is disposed of as indicated above.

V.K.Bali
Chief Justice

vku/-